

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DAVID BRIAN MORGAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-18-1080-D
	)	
UNITED STATES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

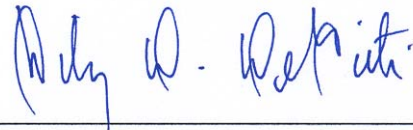
**ORDER**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Erwin recommends the dismissal of this action without prejudice due to Plaintiff's failure pay the initial partial filing fee, as required by 28 U.S.C. § 1915(b)(1) and the Order Granting Leave to Proceed *In forma Pauperis* [Doc. No. 16].

The case file shows no timely objection to the Report nor any request for an extension of time, even though Plaintiff was expressly informed of his right to object, the deadline and procedure for doing so, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons stated by Judge Erwin, the Court finds that this action should be dismissed without prejudice to refiling.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 18] is ADOPTED in its entirety. This action is DISMISSED without prejudice to a future filing. All pending motions [Doc. Nos. 14, 15 and 17] are DENIED as moot. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 23<sup>rd</sup> day of January, 2019.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE